

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-3 and 6-8 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Entry of Amendment

By way of the present Amendment, Applicant has added the limitation of claim 5 to claim 1. Since this merely involves the movement of a limitation from a dependent claim to the independent claim from which it depends, Applicant submits that no new issues are being presented. Accordingly, Applicant submits that entry of the Amendment is proper and is respectfully requested.

Repeated Rejections

Applicant notes the Examiner's notation that all of the 35 USC 103 rejections set forth in the non-final action of September 1, 2005 are repeated for the reasons of record. While Applicant believes that it is not proper to refer to a previous action to state the rejection, Applicant nevertheless understands that the Examiner is meaning to reject claims 1-3 and 5-6 under 35 USC 103(a) as being unpatentable over Fenwick (U.S. Patent 1,959,782) in view of Bourdelais et al. (U.S. Patent 5,874,205). This rejection is respectfully traversed.

It is noted that the Examiner also now rejects claims 7 and 8 under 35 USC 103 as being obvious over the same two references. This rejection is likewise respectfully traversed.

Claims 1 and 6 both describe a waterproof bag having a woven base component and at least one waterproof film laminated to an inner surface of the base component. The Examiner

has equated this to the device shown in the Fenwick reference which has a flexible tubular member 2 and which can have a suitable waterproofing coating. In particular, the reference states that the fabric can be rubberized if desired. It is not clear from the reference how the waterproof coating is applied. However, since page 1, right-hand column, line 92 indicates a suitable treatment and line 103 states that the interior surface has a waterproofing coating, it would appear that a liquid waterproofing compound is applied by spraying, brushing or rolling. In the present claims, a waterproof film is laminated to the inner surface of the base component. The Examiner has not given any weight to the word "laminated" since he feels that this relates to the method of making. However, Applicant submits that the word "laminated" includes meanings beyond merely the method of making. Thus, when a film is laminated to a surface, two separate layers are placed into contact with each other. Thus, two separate layers are maintained which are in contact along their border. In the case of a coating which is originally liquid and applied to a fabric, the liquid does not stay in a layer, but fills the interstices of the fabric and they even extend through the fabric to the backside. Thus, the term "laminated" not only distinguishes the manner in which the two parts are put together, but also describes a physical arrangement of two layers which remain separate. Accordingly, Applicant submits that patentable weight should be given to the term "laminated."

Claim 1 has now also been amended to make it clear that a printed film is adhered to an outer surface of the base component, but only on certain portions of the outer surface. This is similar to the limitation already present in claim 6. The Fenwick reference does not disclose this printed film at all.

The Examiner relies on Bourdelais et al. to teach a polymer sheet affixed to a support layer with a layer of photographing material on its outer side. While Bourdelais teaches the mounting of photographic material on a base, it does not teach the placing of such a photograph on a bag for advertising purposes. In the Bourdelais et al. system, the photograph covers the entire element and is not adhered only on certain portions of an outer surface. Applicant submits that even if taken together, the combination of Fenwick and Bourdelais et al. does not teach a

bag having a woven base, a waterproof film laminated to the inner surface of the base and a printed film adhered to only certain portions of the outer surface of the base.

Applicant further notes that at least in one point of the prosecution the limitations of claims 5 and 6 were considered allowable.

Claim 6 is similar to claim 1 but refers to the inner surface of the base component without the word "entire." However, Applicant submits that both of these claims are patentable over the rejections suggested by the Examiner.

Claims 2, 3, 7 and 8 depend from claims 1 and 6 and as such are also considered to be allowable. In addition, these dependent claims further recite the use of synthetic resin yarns and the cylindrical configuration of the bag and waterproof film. Accordingly, Applicant submits that these claims are additionally allowable.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

If the Examiner has any questions or comments, please contact Robert F. Gnuse, Reg. No. 27,295 at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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